

**12424. Adulteration and misbranding of oil. U. S. v. 13 Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15810. I. S. No. 5549-t. S. No. E-3796.)**

On March 6, 1922, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 cans of oil remaining in the original unbroken packages at Providence, R. I., consigned by the Italy Commercial Co., New York, N. Y., alleging that the article had been shipped on or about January 27, 1922, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Net Contents Full Gallon."

Adulteration of the article was alleged in the libel for the reason that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the labels bore the following statement regarding the article and the ingredients or substances contained therein, "Net Contents Full Gallon \* \* \* Olio Sopraffino Qualità Superiore Olio Finissimo \* \* \* Olive Oil \* \* \* Tripolitania Brand \* \* \* Superior Quality," and bore designs of shields, crowns, and flags suggesting Italian flags, which, together with the use of the Italian language and the suggestion of foreign origin appearing on the said label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when not so, and for the further reason that it was falsely branded as to the country in which it was manufactured or produced. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On May 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

**12425. Misbranding of vanilla extract and lemon extract. U. S. v. 15 Gross Vanilla Extract, et al. Consent decrees of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. Nos. 18491, 18549, 18550. I. S. Nos. 12082-v, 12084-v, 20040-v, 20041-v. S. Nos. W-1497, W-1501.)**

On March 17 and April 14, 1924, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 288 bottles of lemon extract and 2,448 bottles of vanilla extract, remaining in the original unbroken packages in part at Bellingham, Wash., and in part at Everett, Wash., alleging that the articles had been shipped by the Forbes Bros. Tea & Spice Co. from St. Louis, Mo., in part May 22, 1923, and in part March 15, 1924, and transported from the State of Missouri into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Carton) "Kulshan Brand \* \* \* Extract of Pure Vanilla" (or "Extract of Pure Lemon") " \* \* \* 2 Fl. Ozs. Net Con'ts."

Misbranding of the articles was alleged in the libels for the reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 22 and 29, 1924, respectively, the Lee Grocery Co. (Inc.), of Bellingham and Everett, Wash., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$600, in conformity with section 10 of the act, conditioned in part that they be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*